

11-18-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Heinrich Lang et al

Serial No.: 09/800,114

Filed: March 6, 2001

For: Rearview Mirror Assembly
for Motor Vehicles
(As Amended)

Examiner: Ricky D. Shafer

Group Art Unit: 2872

Docket No. LMX-129 022946.219

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

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AFTER FINAL AMENDMENT

Request for Reconsideration

In response to the office action of July 29, 2003 in which a final rejection was made, applicant timely submitted a proposed amendment under 37 CFR 1.116 on September 29, 2003. An advisory action was then issued on October 24, 2003 in response to applicant's proposed amendment. The advisory action stated that the proposed amendment would not be entered because it raised new issues as to claims 10 and 11 that would require further consideration and it did not place the application in better form for appeal by materially reducing or simplifying the issues for appeal. The advisory action further states that the newly proposed or amended claims (claims 12 – 15, 17 and 19 - 29) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claims.

The focus of this request for reconsideration is on claims 10 and 11, which are the only claims currently not considered to be in a condition for allowance. The remaining claims were amended as requested by the examiner in the final action to place them in

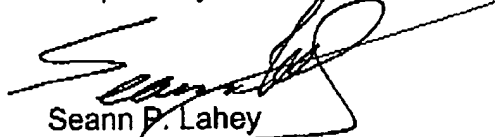
condition for allowance. Amendments were made to claims 10 and 11 which applicant believed would place those claims also in condition for allowance.

In essence, applicant amended claim 10 to include certain subject matter from allowable claim 12. The allowable subject matter of claim 12 called for the "framing element" defining a first recess and the "clamping part" defining a second recess, the first and second recesses configured to encase the holding tube. Claim 10 was amended to call for a "clamping part" configured to receive the holding tube, and for the framing element and the clamping part cooperating to *circumferentially enclose and clamp around* the holding tube. The "clamping part" and "framing elements" limitations were said to be new issues requiring further consideration. But, these are the same limitations, although of different scope, than stated in claim 12.

The limitation to *receive* the holding tube in claim 10 is expressed in claim 12 as the holding tube is encased (received) by the first and second recesses. Additionally, the limitation to *circumferentially enclose and clamp around* the holding tube is also expressed in claim 12 which clearly states that the first and second recesses are configured to *encase* the holding tube. As the amendments made to claim 10 are clearly expressed in the allowable subject matter of claim 12, no new issues have been raised which would require further consideration.

Applicant respectfully requests that the examiner consider amendments to claim 10 and remove the rejections for the reasons set forth in the Amendment filed September 29, 2003. Additionally, as claim 11 now depends from an allowable independent claim, applicant respectfully requests that the examiner remove his rejection to claim 11 as well.

Respectfully submitted,



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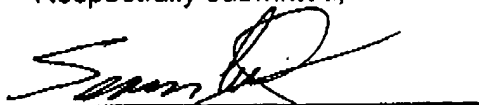
Dear Sir:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the United States Patent Office (fax number 1-703 746-6880) on the date shown below:

1. After Final Amendment, Request for Reconsideration in response to Office Action of July 29, 2003.

Respectfully submitted,



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Date: 11/5/03 ced
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